

## AMS/FAST CHANGE REQUEST (CR) COVERSHEET

**Change Request Number:** 23-26

**Date Received:** 01 Nov 22

**Title:** Buy American Executive Order Reference Update - Policy

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**Initiator Name:** Tim Eckert

**Initiator Organization Name / Routing Code:** Procurement Policy Branch, AAP-110

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**Policy and Guidance:** (Please check only one box)

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Policy      | <input type="checkbox"/> Procurement Tools and Resources     |
| <input type="checkbox"/> Guidance               | <input type="checkbox"/> Real Property Templates and Samples |
| <input type="checkbox"/> Procurement Samples    | <input type="checkbox"/> Procurement Clauses                 |
| <input type="checkbox"/> Procurement Templates  | <input type="checkbox"/> Real Property Clauses               |
| <input type="checkbox"/> Procurement Forms      | <input type="checkbox"/> Other Tools and Resources           |
| <input type="checkbox"/> Procurement Checklists |  |

**Summary of Change:**

Update of Executive Order reference from Executive Order 13881 to Executive Order 14005 "Ensuring the Future is Made in All of America by All of America's Workers" dated January 25, 2021, and edits to FAA Buy American Preference language.

**Reason for Change:** Administrative update.

**Development, Review, and Concurrence:** AAP-110

**Target Audience:** Program Office and Contracting personnel.

**Briefing Planned:** No.

**ASAG Responsibilities:** None.

**Section / Text Location:** AMS Policy - Appendix E

**The redline version must be a comparison with the current published FAST version.**

- ☒ I confirm I used the latest published version to create this change / redline  
or  
☐ This is new content

**Links:** [https://fast.faa.gov/AMS\\_Policy.cfm](https://fast.faa.gov/AMS_Policy.cfm)

**Attachments:** Redline and final documents.

**Other Files:** N/A.

**Redline(s):**

**Section Revised: Appendix E – External AuthoritiesRest and Evaluation**

**Acquisition Management Policy - (~~10/2022~~1/2023)**

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Appendix E: External Authorities Revised 9/2020

Appendix E: Part I - Statutes Revised ~~9/2020~~1/2023

Appendix E: Part II - Executive Orders Revised ~~9/2020~~1/2023

Appendix E: Part III - Regulations/Standards Revised 9/2020

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## Appendix E: External Authorities Revised 9/2020

This table highlights selected government-wide laws, regulations, executive orders, and other directives that affect acquisition programs. In some instances, FAA-unique implementation of these authorities is outlined in the Acquisition Management System. In most cases, however, implementation is through means other than the Acquisition Management System. This table is not all inclusive. Full text of the authorities may be viewed from the following websites:

<http://www.archives.gov> or <http://uscode.house.gov>

The appendix is divided into three parts as follows:

Part I - Statutes arranged alphabetically by title

Part II - Executive Orders arranged numerically

Part III - Regulations/Standards arranged alphabetically by title

### Appendix E: Part I - Statutes Revised 9/20201/2023

Title	Description Summary	Functional area affected	Promulgated by AMS:			
			P=Policy, G=Guidance, C=Clause			
			*=See Office of Chief Counsel			
Act of December 10, 1941 (40 U.S.C. § 291)	Requires Federal agencies to admit seeing-eye dogs or other guide dogs accompanied by their blind masters to any building or other property owned or controlled by the United States.	Real Property	P			
Administrative Procedures Act (5 U.S.C. § 500 et seq.)	Authorizes a duly qualified individual to represent a person before an agency.	All				*
Agreement on Civil Aircraft (19 U.S.C. § 2513)	Exempts civil aircraft from Buy American Act <u>and FAA Buy American Preference</u> .	Procurement		G		*
Air Commerce and Safety (49 U.S.C. §	Establishes legal authority for joint activities between DoD and FAA to	Procurement		G		

40121(c)(2)	improve or replenish the national air traffic control system.					
Airport Improvement (AIP) Grants (49 U.S.C. § 47101)	Establishes U.S. policy for airport development and improvement.	Agreements		G		
Air Traffic Management System Performance Improvement Act of 1996, P.L. 104-264 (49 U.S.C. § 40121).	Administrator must consider terminating Facilities and Equipment acquisition program that exceeds 10% of cost or schedule baseline or fails to achieve 90% of performance goals. When cost or schedule breach is 50% or more, Administrator must terminate program, or make a written determination to continue program and send the determination to Congress.	All	P			
Air Transportation Security (49 U.S.C. § 44903)	Authorizes the Administrator to prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy.	Procurement		G		
Anti-Deficiency Act (31 U.S.C. § 1341)	Prohibits expenditure in excess of funds available.	Procurement	P	G	C	
Anti-Kickback Act (41 U.S.C. §§ 8701-8707)	Prohibits offering or accepting kickbacks; criminal penalties apply.	Ethics				*
		Procurement			C	
		Real Estate				
Anti-Lobbying Act (31 U.S.C. § 1352)	Prohibits use of Federal funds for lobbying.	Procurement				*
Architectural Barriers Act of 1968 (42 U.S.C. § 4151-4157)	Requires facilities be provided to ensure ready access for disabled persons to public building and certain interior spaces.	Real Property	P	G	C	
		Procurement				
Assignment of Claims (31 U.S.C. § 3727, 41 U.S.C. § 6305)	Authorizes the lessor to assign his rights to be paid under a lease agreement.	Real Property			C	
Assistance to Foreign Aviation Authorities (49 U.S.C. § 40113(e))	Authorizes the Administrator to provide safety-related training and operational services to foreign aviation authorities with or	Procurement		G		

	without reimbursement, if the Administrator determines that providing such services promotes aviation safety.					
Authority to Transfer an Interest in Surplus Property (49 U.S.C. § 47151)	Authorizes a department, agency, or instrumentality of the executive branch of the U.S. Government or a wholly owned Government corporation to give a State, political subdivision of a State, or tax-supported organization any interest in property subject to sections 47152, Terms of Gifts and 47153, Waiving and Adding Terms, of this title.	Procurement		G		
	Waiving and Adding Terms, of this title.					
Bayh-Dole Act (35 U.S.C. § 200)	Provides policy regarding inventions made with Government assistance.	Procurement				*
Bona fide Fiscal year need statutes (31 U.S.C. § 1301)	Requires appropriations to be applied only to the objects for which the appropriations were made except as otherwise provided by law.	Budget Procurement			C	*
Bribery and Conflict of Interest Laws (18 USC 201)	Prescribes fines and punishment for bribery of public officials and witnesses.	All				*
Bribery and Conflict of Interest Laws (18 U.S.C. § 208)	Prescribes acts and penalties affecting a personal financial interest.	All	P			
Buy American Act (41 U.S.C. §§ 8301-8305)	Requires American manufactured materials and supplies for public use. (Also see Executive Order 10582)	Procurement	P	G	C	
<u>FAA Buy American Preference</u> (FAA) (49 U.S.C. § 50101)	Mandates a preference for <del>raw</del> <u>American steel</u> and manufactured <del>American materials</del> <u>goods</u> .	Procurement	<u>P</u>	<u>G</u>	C	*
Cargo Preference Act (46 U.S.C. § 1241)	Mandates preference for shipping cargo on U.S. ships.	Procurement			C	
Caribbean Basin Economic Recovery Act (19 U.S.C. § 2701)	Exempts certain Caribbean countries from Buy American provisions of 19 USC 2701.	Procurement		G		
Child Care Services for Federal Employees in Federal Buildings	Provides Federal agencies with the authority to allot space in Federal buildings to individuals or entities	Real Property	P			

	that will provide child care services to Federal employees.					
Clean Air Act of 1963(42 U.S.C. § 7401 et seq.)	Requires the utilization in Federal air control programs of all available and appropriate facilities and resources within the Federal Government for the prevention and abatement of air pollution.	Procurement Environment Real Property	P	G	C	
Clean Water Act (33 U.S.C. § 1251 et seq.)	Restores and maintains the chemical, physical, and biological integrity of the Nation's waters.	Procurement Environment	P	G	C	
Common Carrier Liability (49 U.S.C. § 11707)	Specifies liability when property is delivered in violation of routing instructions.	Procurement				*
Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. § 9601)	Provides for liability, compensation, cleanup and emergency response for hazardous substances released into the environment, and the cleanup of hazardous waste disposal sites.	Real Property	P			
Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (P.L. 111-195)	Requires offerors to certify that they have not exported sensitive technology to Iran.	Procurement		G	C	
Contract Work Hours and Safety Standards Act (40 U.S.C. § 328)	Establishes a standard 8 hour workday and standard 40 hour workweek for laborers and mechanics, with compensation of not less than one and one-half times the basic rate of pay for work exceeding the standard workweek.	Procurement	P	G	C	
Convict Labor Act (18 U.S.C. §§ 23-436)	Prohibits convicts from performing Government contracts. (Also see Executive Orders 11755 and 12943)	Procurement	P	G		
Cooperative Research and Development Agreements (15 U.S.C. § 3710a)	Supports the full use of the results of the Nation's Federal investment in research and development. To this end the Federal	Agreements		G		

	Government must strive where appropriate to transfer Federally owned or originated technology to State and local governments and to the private sector.					
Copeland Act (18 U.S.C. § 874 and 40 U.S.C. § 276c) a.k.a. Anti-Kickback Act	Makes it unlawful to induce any person, employed in the construction or repair of public buildings or public works financed in whole or in part by the U.S., to give up any part of the compensation to which they are entitled.	Procurement	P	G	C	
Davis Bacon Act (40 U.S.C. § 276a)	Requires construction contractors to pay prevailing wages for laborers and mechanics.	Procurement	P	G	C	
Department of Transportation, General Duties and Powers (49 U.S.C. § 322(c))	Provides general authority for FAA to enter into reimbursable agreements with other agencies and for cooperative agreements to use the services, records, and facilities of State, territorial, municipal and other agencies. However, 49 USC 106 (l) and (m) provides broader authority and should be cited in place of Section 322(c) for FAA agreements.	Agreements		G		
Disclosure of Confidential Information (18 U.S.C. § 1905)	Prohibits the disclosure of confidential information by public officials, i.e. trade secrets.	Ethics Procurement	P	G		
Drug Free Workplace (41 U.S.C. §§ 8101-8106)	Prohibits award of contracts to entities who have not certified that it is a drug free workplace. AMS does not reference 41 USC 8101-8106. However it is FAA policy to only award contracts to entities who have certified a drug free workplace.	Procurement	P	G	C	
Economy Act (31 U.S.C. § 1535)	Authorizes the head of an agency or major organizational unit within	Procurement		G		

	to place an order with a major organizational unit within the same agency or another agency for goods or services under conditions specified in the statute.					
Energy Independence and Security Act of 2007 (Pub. L. 110-140)	Amends portions of the National Energy Conservation Policy Act (42 U.S.C. § 8253(a)(1) and adopts the energy intensity reduction goals of Executive Order 13423 beginning in year 2008. Provides for enhanced building standards, lighting, and water and energy usage goals.	Real Property Procurement	P			
Energy Policy Act (EPA) of 2005	Provides for increased energy and water efficiency.	Real Property	P			
Energy Policy Act of 1992 (Pub. L. 102-486, 106 Stat. 2776)	Provides for increased energy efficiency.  Superseded, in part, by the EPA of 2005.	Real Property Procurement	P			
Energy Policy and Conservation Act (42 U.S.C. § 6361(a)(1))	Requires agencies to develop mandatory standards for energy conservation and energy efficiency to govern the procurement policies and decisions of the Federal Government and all Federal agencies and to cause such standards to be implemented.	Procurement Environment	P	G		
Environmental Policy Act of 1969 (42 U.S.C. § 4321)	Requires consideration of environmental factors in the decision- making process for major Federal actions.	Real Property	P			
Explosive Detection (49 U.S.C. § 44913)	Governs the deployment and purchase of explosive detection equipment under 14 USC 108.7(b)(8) or 108.20 when the FAA Administrator certifies that the equipment alone, or as part of an integrated system, can detect under realistic air carrier operating conditions the amounts, configurations, and types of	Procurement		G		



	explosive material that would likely be used to cause catastrophic damage to commercial aircraft.					
False Claims Act (31 U.S.C. § 3729)	Specifies civil penalties for false claims against the U.S.	All		G		*
Fastener Quality Act - June 8, 1999 (15 U.S.C. § 5402)	Requires fasteners (i.e. bolts, nuts, screws) to be manufactured in accordance with a fastener quality assurance system; or manufactured to a proprietary standard, such as ISO 9000, QS9000, VDA6.1, or AS9100.	Procurement	P			
Federal Aviation Administration Authorization Act of 1996 (49 U.S.C. § 106)	Authorizes the Administrator to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration.	Procurement Real Property	P	G		
Federal Claims Collection (31 U.S.C. § 3711)	Establishes provisions for collecting claims of the U.S. for money or property arising out of the activities of, or referred to the agency.	Procurement				*
Federal Excise Taxes (26 U.S.C. § 4041)	Imposes tax on diesel fuel in certain cases.	Procurement	P	G		
Federal Facilities Compliance Act	Mixed Waste is regulated as hazardous and radioactive waste under the Resource Conservation and Recovery Act (RCRA) and the Atomic Energy Act (AEA), respectively.	Environment				*
Federal Prison Industries (18 U.S.C. § 4121)	Prescribes requirement for purchases from Federal Prison facilities.	Procurement	P	G	C	
Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. § 471)	This act establishes the Federal Building Fund and provides the Administrator of General Services Administration with an important source of real property related authority. FAA is not required to follow Title	Real Property	P	G		

	II of this act.					
Federal Water Pollution Control Act (33 U.S.C. § 1251)	Requires that all agencies comply with all Federal, State, interstate, and local requirements, respecting the control and abatement of water pollution.	Real Property	P			
Federal Workforce Restructuring Act of 1994 - P.L. 103-226 (5 U.S.C. § 5597)	To provide temporary authority to Government agencies relating to voluntary separation, incentive payments, and for other purposes and limitation on procurement of Service Contracts with involuntarily separated employees.	Procurement	P	G	C	
Freedom of Information Act (FOIA) as amended (5 U.S.C. § 552)	Regulates the release of public information; agency rules, opinions, orders, records, and proceedings.	All	P	G		*
General Facilities and Personnel Authority (49 U.S.C. § 44502)	Provides general authority to the Administrator of the Federal Aviation Administration to acquire, establish, improve, operate, and maintain air navigation facilities; and provide facilities and personnel to regulate and protect air traffic.	Procurement Real Property	P	G		
General Procurement Authority (49 U.S.C. § 40110)	The Administrator may acquire services or, by condemnation or otherwise, and interest in property, and may dispose of an interest in property and retain disposal proceeds via a credit back.	Real Property	P	G		
Gift and Bequests (49 U.S.C. § 326)	Authorizes the Administrator to accept any conditional or unconditional gift or donation of money or property, real or personal, or of services for the FAA.	All		G		
Government Performance and Results Act of 1993	Requires performance indicators and measurement.	Metrics	P			

(31 U.S.C. §§ 1101, 1115-1119)		Baseline Management				
Indian Incentive Program (25 U.S.C. § 1544)	A contractor of a Federal agency under any Act of Congress may be allowed an additional amount of compensation equal to 5 percent of the amount paid, or to be paid, to a subcontractor or supplier, in carrying out the contract if such subcontractor or supplier is an Indian organization or Indian-owned economic enterprise as defined in this chapter.	Procurement	P	G	C	
Interest of Member of Congress (41 U.S.C. § 6306)	Prohibits member of or delegate to Congress from sharing in benefit from contract or grant.	Procurement			C	*
International Airport Facilities, Administrative (49 U.S.C. § 47305)	Authorizes the Secretary of Transportation to consolidate, operate, protect, maintain, and improve airport property and airway property (except meteorological facilities).	Procurement		G		
International Airport Facilities, Definitions (49 U.S.C. § 47301)	Provides definitions pertaining to International Airport Facilities.	Procurement		G		
International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118 (5))	Requires that all Federal agencies and Government contractors and subcontractors use U.S.- flag air carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. (Also known as the Fly America Act)	Procurement			C	
Iran Sanctions Act of 1996 (50 U.S.C. § 1701 note)	Requires offerors to certify they have not been involved in sanctioned activities with the Government of Iran.	Procurement		G	C	
Iran Threat Reduction and Syria Human Rights Act of 2012 (P.L. 112-158)	Expands sanctions relating to the energy sector of Iran and sanctions with respect to Iran's Revolutionary Guard Corps.	Procurement		G	C	

James Zadroga 9/11 Health and Compensation Act of 2010 (P.L. 111- 347)	Imposes on any foreign person that receives a specified Federal procurement payment a tax of 2% of each payment. Stipulates that foreign contractors are not to be reimbursed for this tax.	Procurement		G	C	
Javits-Wagner- O'Day Act (41 U.S.C. §§ 8501-8506)	Established the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.	Procurement	P	G		
Judicial Review (49 U.S.C. § 46110)	Prescribes judicial review process for a person disclosing a substantial interest in an order issued by the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) under this part.	Procurement	P		C	
Miller Act (40 U.S.C. § 270a-270f)	Requires construction contractors to provide performance and payment bonds that are greater than \$25,000 but not greater than \$100,000.	Procurement	P	G	C	
National Earthquake Hazards Reduction Act of 1977 (P.L. 95-124), Amended 1990 (P.L. 101- 614) (42 U.S.C. § 7701 et seq.)	Requires Agencies to adopt standards for assessing and enhancing the seismic safety of buildings designed for, or constructed by, or leased by the Federal Government.	All	P			
United States-Mexico- Canada Agreement Implementation Act (Government Procurement Agreement applicable only to United States and Mexico) (Pub. L. 116-113) (19 U.S.C. chapter 29 (sections 4501-4732)	Mexico exceptions from Buy American Act depending on circumstances.	Procurement		G	C	
National Energy Conservation Policy Act (42 U.S.C. § 6201)	Requires energy and water conservation measures for federal buildings, facilities, or space	Environment	P			
National Environmental Policy Act (42 U.S.C. § 6201)	Requires environmental assessment or environmental impact statement for proposed Federal actions	Environment	P	G		

National Historic Preservation Act (16 U.S.C. § 470)	Requires Federal agencies to take into account the effect of any Federal undertaking on any property in or eligible for listing in the National Register of Historic Places.	Real Property Procurement	P			
Occupational Safety and Health Act of 1970, amended (29 U.S.C. § 653)	Requires Federal agencies to provide safe and healthful places and conditions of employment.	Real Property Procurement	P	G	C	
Paperwork Reduction Act (44 U.S.C. § 3501)	Requires Federal agencies to become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes resulting from the collection of information by or for the Federal Government.	All	P			
Privacy Act (5 U.S.C. § 552a)	Establishes procedures for records maintained on individuals to ensure that certain information is secured.	Ethics Procurement	P	G	C	
Procurement Integrity Act (41 U.S.C. § 2101-2107)	Prohibits unauthorized release of source selection or other proprietary data.	Procurement	P	G	C	
Project Grant Authority (49 U.S.C. § 47104)	Authorizes the Secretary of Transportation to make project grants from the Airport and Airway Trust Fund to maintain a safe and efficient nationwide system of public-use airports that meets the present and future needs of civil aeronautics.	Procurement		G		
Public Buildings Act of 1959, as amended (40 U.S.C. § 601-619)	This act establishes a prospectus threshold, applicable to all federal agencies. Also the Administrator of GSA has authority to construct, acquire, and alter public buildings.	Real Property	P			

Public Buildings Cooperative Use Act of 1976 (40 U.S.C. § 601a, 612a.)	Requires the Administrator of GSA to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance.	Real Property	P			
Public Law 85-804 (50 U.S.C. § 1431-1434)	Empowers the President to authorize agencies exercising functions in connection with the national defense to enter into, amend, and modify contracts, without regard to other provisions of law related to making, performing, amending, or modifying contracts, whenever the President considers that such action would facilitate the national defense, to exercise the authority conferred by the Act and to delegate it to other officials within the agency. (Also see E.O. 10789)	Procurement	P	G	C	
Quarters and facilities; employees in the United States (5 U.S.C. § 5911)	Agency may provide quarters and facilities for employees when conditions warrant.	Real Property	P			
Randolph-Sheppard Vending Facility Act, amended (20 U.S.C. § 107)	Provides for blind persons licensed under the provisions of this chapter authorization to operate vending facilities on any Federal property.	Procurement	P	G		
Rehabilitation Act of 1973, amended (Pub. L. 93-112, 387 Stat. 355)	Requires Federal agencies to ensure compliance with standards set by GSA, DOD and HUD pursuant to the Architectural Barriers Act of 1968.	Real Property	P	G		

Rehabilitation Act of 1973 - Section 508 (29 USC 794d)	Requires information technology purchases to be accessible to people with disabilities.	Procurement	P	G	C	
Rehabilitation Act (29 U.S.C. § 793)	Requires affirmative action to employ and advance in employment qualified individuals with disabilities.	Procurement	P	G		*
Research and Development (49 U.S.C. § 44912)	Requires the FAA Administrator to establish and carry out a program to accelerate and expand the research, development, and implementation of technologies and procedures to counteract terrorist acts against civil aviation.	Procurement		G		
Resource Conservation and Recovery Act (42 U.S.C. § 6901)	Prescribes policies and procedures for acquiring Environmental Protection Agency-designated products through affirmative procurement programs.	Procurement Environment	P	G	C	
Robert T Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5150)	Provides for a preference for local organizations, firms, or activities when contracting for major disaster or emergency assistance activities.	Procurement	P	G	C	
Rural Development Act of 1972 (Pub. L. 92-419, 86 Stat. 657)	Provides for improving the economy and living conditions in rural America. FAA must give first consideration to rural areas when locating new space, land, and other facilities.	Real Property	P	G	C	
Section 889 of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232)	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.	Procurement	P	G	C	
Service Contract Act (41 U.S.C. § 6701-6707)	Provides for minimum wages and fringe benefits as well as other conditions of work under certain types of service contracts. Whether	Procurement	P	G	C	

	or not the Act applies to a specific service contract will be determined by the definitions and exceptions given in the Act, or implementing regulations.					
Service-Disabled Veteran Owned Small Business Program (13 CFR,121,125&134)	Provides for competitive and non-competitive set- asides for Service Disabled Veteran Owned Small Businesses.	Procurement	P	G	C	
Service, supplies, and facilities at remote places (49 U.S.C. § 331)	Agency may provide when necessary, services, supplies, and facilities at remote places.	Real Property	P			
Stewart B. McKinney Homeless Assistance Act (42 U.S.C. § 11411-11412)	Requires Federal agencies to make available surplus real property to homeless organizations with the exception of airport and airway real property.	Real Property	P			
Superfund Amendments and Reauthorization Act of 1986, amended (42 U.S.C. § 9601-9675)	Extends and amends CERCLA.					*
Systems, Procedures, Facilities, and Devices (49 U.S.C. § 44505)	Requires the FAA Administrator to develop, alter, test, and evaluate systems, procedures, facilities, and devices, and define their performance characteristics, to meet the needs for safe and efficient navigation and traffic control of civil and military aviation, except for needs of the armed forces; and to select systems, procedures, facilities, and devices that will best serve those needs and promote maximum coordination of air traffic control and air defense systems.	Procurement		G		
Terms of Gifts (49 U.S.C. § 47152)	Specifies the terms applicable to a gift of an interest in surplus property.	Procurement		G		



Title 49, U.S.C. Section 1159 (a) and (c)	Airport property and airway property in territory (including Alaska) outside the continental limits of the United States.	Real Property	P			
Training Schools (49 U.S.C. § 40108)	Authorizes the FAA Administrator to operate schools to train officers and employees of the Administration to carry out duties, powers, and activities of the Administrator.	Procurement		G		
Uniform Relocation Assistance and Real Property Acquisition (42 U.S.C. § 4651-4655)	Requires Federal agencies to treat all property owners and other affected persons in a fair and equitable manner, and to provide relocation services and benefits to persons displaced by Federal agency's acquisition of their real property.	Real Property	P	G		
Vietnam Era Veterans Readjustment Act (38 U.S.C. § 2012)	Requires contractors and subcontractors, when entering contracts subject to the Act, to list all suitable employment openings with the appropriate local employment service office and take affirmative action to employ, and advance in employment, qualified special disabled veterans and veterans of the Vietnam Era without discrimination based on their disability or Veteran's status. (Also see Executive Order 11701)	Procurement		G		*
Waiving and Adding Terms (49 U.S.C. § 47153)	Authorizes the Secretary of Transportation to waive, without charge, a term of a gift of an interest in property under this subchapter.	Procurement		G		
Walsh Healey Public Contracts Act (41 U.S.C. § 6501-6511)	Provides conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes.	Procurement	P	G		
Wendell H. Ford Aviation Investment & Reform Act for the 21 <sup>st</sup> Century (49 U.S.C. § 40110(d)(3))	Subjects the FAA to the Procurement Integrity Act (41 USC 2101-2107), except that sections 2101, Definitions, and 2106, Reporting information believed to constitute evidence of offense, must not apply.	Procurement		G		

## END OF PART I

### Appendix E: Part II - Executive Orders Revised 9/20201/2023

Title	Description Summary	Functional area affected	Promulgated by AMS:			
			P=Policy, G=Guidance, C=Clause			
			*= See Office of Chief Counsel			
Executive Order 10582, Prescribing Uniform Procedures for Certain Determinations Under the Buy-American Act (Dec 17, 1954	Requires the Government to give preference to domestic end products. (See Buy American Act.) Amended by E.O.'s 10761, 11051, 12148, 12608, 13788, 13858, <del>and</del> 13881 <span style="color: red;">and 14005</span> .	Procurement	P	G	C	
Executive Order 10789, Authorizing agencies of the Government to exercise certain contracting authority in connection with national-defense functions and prescribing regulations governing the exercise of such authority	Authorizes non-DoD agencies of the Government to exercise certain contracting authority in connection with national-defense functions and to prescribe regulations governing the exercise of such authority. Amended by: <a href="#">EO 11051</a> , September 27, 1962; <a href="#">EO 11382</a> , November 28, 1967; <a href="#">EO 11610</a> , July 22, 1971; <a href="#">EO 12148</a> , July 20, 1979; <a href="#">EO 12919</a> , June 3, 1994; <a href="#">EO 13232</a> , October 20, 2001; <a href="#">EO 13286</a> , February 28, 2003	Procurement	P	G	C	
Executive Order 11141, Equal Employment Opportunity, (February 12, 1964)	Prescribes policies and procedures pertaining to nondiscrimination in employment by contractors and subcontractors	Procurement	P	G	C	

Executive Order 11508, Providing for the Identification of Unneeded Federal Real Property (Feb. 12, 1970)	Establishes a uniform policy for Executive branch concerning the identification of excess real property holdings.	Real Property	P			
Executive Order 11593, Protection and Enhancement of the Cultural Environment (May 13, 1971)	Requires Federal Agencies to direct their policies, plans and programs that federally owned sites, and structures are preserved, restored and maintained.	Real Property	P			
Executive Order 11701, Employment of veterans by Federal agencies and Government contractors and subcontractors (Jan. 24, 1973)	Requires each department and agency of the executive branch of the Federal Government list suitable employment openings with the appropriate office of State Employment Service or the United States Employment Service and extends the program to Government contractors and subcontractors. (Also 38 USC 2012)	Procurement		G		
Executive Order 11738, Providing for Administration of the Clean Federal Water Pollution Control Act with respects to Federal Contracts, Grants, or Loans (Sept. 12, 1973)	Requires Federal agencies having authority to enter into contracts to conduct its acquisitions that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act.	Real Property	P			
Executive Order 11912, Delegation of Authorities Relating to Energy Policy and	Amended by: <a href="#">EO 12003</a> , July 20, 1977; <a href="#">EO 12038</a> , February 3, 1978; <a href="#">EO 12148</a> , July 20, 1979; <a href="#">EO 12375</a> , August 4, 1982. Superseded or	Procurement Environment	P			

Conservation (April 13, 1976)	revoked in part by E.O. 12919, National Defense Industrial Resources Preparedness.(Also see E.O. 12919)					
Executive Order 11988, Floodplain Management (May 24, 1977)	Requires that agencies take action to reduce the risk of flood loss and to restore and preserve the natural and beneficial values served by floodplains for acquiring, managing and disposing of Federal lands and facilities.	Real Property	P			
Executive Order 11990, Protection of Wetlands (May 24, 1977)	Requires that agencies take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands for acquiring, managing, and disposing of Federal lands and facilities.	Real Property Procurement	P			
Executive Order 12003, Relating to Energy Policy and Conservation (July 20, 1977)	Requires buildings constructed for Government lease to meet certain energy consumption design specifications.	Real Property	P			
Executive Order 12038, Relating to Certain Functions Transferred to the Secretary of Energy by the Department of Energy Organization Act (February 3, 1978)	Relates to certain functions transferred to the Secretary of Energy by the Department of Energy Organization Act. Amended by: <a href="#">EO 12156</a> , September 10, 1979 and by EO 12287 - Decontrol of crude oil and refined petroleum products. (Also see E.O.12287)	Procurement Environment	P			

Executive Order 12088, Federal Compliance with Pollution Control Standards (October 13, 1978)	Requires agencies ensure action is taken to prevent, control, and abate environmental pollution with respect to Federal facilities and activities. Revoked, in part, by EO 13423.	Real Property	P			
Executive Order 12196, Occupational Safety and Health Programs	Requires Federal agencies to establish and maintain occupational safety and health programs for Federal employees.	Real Property Procurement	P			
Executive Order 12512, Federal Real Property Management (April 29, 1985)	Authorizes the GSA administrator to provide Government wide policy oversight and guidance for Federal real property management.	Real Property	P			
Executive Order 12591, Facilitating Access to Science and Technology (April 10, 1987)	Amended by E.O. 12618. Authorizes the FAA to apply the policies of the Bayh-Dole Act (inventions made with Government Assistance) to all participants in cooperative agreements. (Also see E.O. 12618)	Agreements		G		
Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Information (June 23, 1987)	Describes predisclosure notification procedures for confidential commercial information requested under the Freedom of Information Act (FOIA)	All	P	G		
Executive Order 12618, Uniform Treatment of Federally	Amended E.O. 12591.	Procurement				

Funded Inventions (December 22, 1987)						
Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction (January 5, 1990)	Requires Federal agencies to follow national and local seismic building codes, whichever provides the greatest margin of safety, when constructing new buildings or modifying existing buildings. Amended by: <a href="#">EO 13286</a> , February 28, 2003	All				
Executive Order 12829, National Industrial Security Program, (January 6, 1993) Amended by E.O. 12885	Requires a National Industry Security Program Operating Manual. Amended by E.O. 12885 December 14, 1993 to extend the time to issue the National Industrial Security Program operating manual. (Also see E.O. 12885)	Procurement	P	G		
Executive Order 12919, National Defense Industrial Resources Preparedness (June 3, 1994)	Delegates authority and addresses national defense industrial resource policies and programs under the Defense Production Act of 1950. Amended by: <a href="#">EO 13286</a> , February 28, 2003. Supersedes or revokes E.O. 11912 in part. (Also see E.O. 11912)Revoked in part by: <a href="#">EO 13456</a> , January 23, 2008.	Procurement				
Executive Order 12928, Promoting Procurement with Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals, Historically Black Colleges and Universities, and Minority Institutions, (Sep 16, 1994)	Establishes policy that all department and agency heads and all Federal employees involved in the procurement of any and all goods and services must assist SDBs, HBCUs, and MIs, as applicable, to develop viable, self-sustaining, businesses capable of competing on an equal basis in the mainstream of the American economy.	Procurement  MPPG reporting		G		

Executive Order 12941, Seismic Safety of Existing Federally Owned and Leased Buildings (December 1994)	Requires agencies to meet substantial life safety standards for seismic.	Real Property	P			
Executive Order 12968, Access to Classified Information (August 2, 1995)	Establishes a uniform Federal personnel security program for employees who will be considered for initial or continued access to classified information. Amended by: <a href="#">EO 13467</a> , June 30, 2008	Procurement Security	P	G	C	
Executive Order 13043, Increasing Seat Belt Use in the U.S. (April 16, 1997)	Requires seat belt use by Federal employees while on official business and motor vehicle occupants in National Park and Dept. of Defense installations. Encourages Federal contractors, subcontractors, and grantees to adopt and enforce on-the-job seat belt use policies and programs.	Procurement	P		C	
Executive Order 13142, Amendment to E.O. 12958– Classified National Security Information (Nov. 19, 1999)	Amended sections 3.4(a), 5.2(a)(b), 5.3(b)(4) of E.O. 12958. (Also see E.O. 12958)	Procurement Security				*
Executive Order 13170, Increasing Opportunities and Access for Disadvantaged Businesses (Oct 6, 2000)	Establishes additional incentives for outreach and goal setting to increase opportunities and access for disadvantaged businesses.	Procurement				*
Executive Order 13202, Preservation of Open Communication and Government Neutrality towards	Promotes the economical, non-discriminatory, and efficient administration and completion of Federal and Federally funded or assisted construction projects.	Procurement Real Property				*

Government Contractors (Feb. 17, 2001)	(Also see E.O. 13202)					
Executive Order 13208, Assisted Construction Projects (April 6, 2001)	Amends E.O. 13202. Added a new section to permit the Head of an Executive Agency to exempt a particular project from the requirements of any or all provisions of Sections 1 and 3 of E.O. 13202. (Also see E.O. 13202)	Procurement Real Property				*
Executive Order 13221, Energy Efficient Standby Power Devices (July 31, 2001)	Encourages energy conservation by requiring the Government to purchase COTS products that use no more than one watt in their external or internal standby power devices or functions.	Procurement				*
Executive Order 13327, Federal Real Property Asset Management (Feb. 4, 2004)	To improve the overall management of Federal real property assets on a Government-wide level. Amended by E.O. 13423.	Real Property	P			
Executive Order, 13360 Providing Opportunities for Service-Disabled Veteran Businesses To Increase Their Federal Contracting and Subcontracting, (October 20, 2004)	Establishes policy that all heads of agencies must provide the opportunity for service-disabled veteran businesses to significantly increase the Federal contracting and subcontracting of such businesses.	Procurement		G		
Executive Order 13502, Use of Project Labor Agreements for Federal Construction Projects, (February 6, 2009)	Promotes the efficient administration and completion of Federal construction projects Revokes: <a href="#">EO 13202</a> , February 17, 2001; <a href="#">EO 13208</a> , April 6, 2001	Procurement Real Property		G	C	*
Executive Order 13513, Federal Leadership	Encourages contractors and subcontractors to adopt and enforce policies banning text	Procurement			C	



on Reducing Text Messaging While Driving (October 1, 2009)	messaging while driving company- owned or Government-owned vehicles, or privately-owned vehicles when on official government business or performing any work on behalf of the Government.					
Executive Order 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts (September 25, 2012)	Creates a stronger framework to eliminate trafficking in persons from Federal contracts.	All	P	G	C	
Executive Order 13834, Efficient Federal Operations (May 17, 2018)	To meet energy and environmental performance statutory requirements in a manner that increases efficiency, optimizes performance, eliminates unnecessary use of resources and protects the environment. Revokes EO 13693.	All	P	G	C	

**END OF PART II**

**Appendix E: Part III - Regulations/Standards Revised 9/2020**

Title	Description Summary	Functional area affected	Promulgated by AMS:			
			P=Policy, G=Guidance, C=Clause  *=See Office of Chief Counsel			
Cost Accounting Standards (CAS) (48 CFR 9903.101)	Uniform standards for government contractor's accounting for and reimbursement of costs. Within the FAA Cost Accounting Standards (CAS) do not apply to contracts for commercial items. Full or modified CAS coverage may be applied to cost type contracts only.	Procurement	P	G	C	
Department of Transportation Policy for Seismic Safety of New and Existing DOT Owned or Leased Buildings (DOT SS-98-01)	Requires each DOT Operating Administration to ensure that new DOT owned buildings and additions and new buildings leased for DOT occupancy, are designed and constructed to comply with appropriate seismic design and construction standards. Additionally, each Operating Administration is required to mitigate unacceptable earthquake risks in existing buildings via a long-term risk mitigation program.	All	P			
Export Administration Regulations (EAR), 15 CFR Parts 730 through 774	U.S. Department of Commerce regulations for the export and re-export of most commercial items, services or documentation.	All	P	G	C	
Federal Management Regulations (formerly Federal Property Management)	Regulations used by GSA and other executive agency officials to regulate, and prescribe policies, procedures, and delegations of authority pertaining to the management of property, inventory, and disposal.	Real Property	P	G		

Federal Standard 313, Material Safety Data, Transportation Data and Disposal Data for hazardous materials furnished to Government activities.(March 1, 1988)	Establishes requirements for the preparation and submission of Material Safety Data Sheets by contractors who provide hazardous materials to government activities.	Procurement Environment				
FEMA 74, Reducing the Risk of Nonstructural Earthquake Damage, (Sep. 1994)	Provides Interagency Committee for Seismic Safety in Construction (ICSSC) requirements for equipment and other building system installation, risk mitigation and guidance on prioritizing projects.	All	P			
FEMA 310, Handbook for the Seismic Evaluation of Buildings: A Pre-Standard, (January 1998)	Provides requirements for identification of unacceptable seismic risks in existing buildings and equipment installations.	All	P			
FEMA 356, NEHRP. Pre-Standard and Commentary for the Seismic Rehabilitation of Buildings, (November 2000)	Provides requirements for mitigation of unacceptable seismic risks in existing buildings and equipment installations.	All	P			
FEMA 368/369, 2000 NEHRP Provision for Seismic Regulations for New Buildings and Other Structures, Parts 1 and 2, 2001.	Provides Interagency Committee for Seismic Safety in Construction (ICSSC) requirements for the construction of new buildings as well as design and installation of new equipment for installation in any new or existing building.	All	P			
International Building Code	Establishes the current international building code in effect for all new construction of Federal buildings.	All	P			

(IBC) (2000/2003)						
International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120 through 130	Department of State regulations that control the <a href="#">export</a> and <a href="#">import</a> of defense-related articles, services and documents on the <a href="#">United States Munitions List</a> (USML)		P	G	C	
Local Seismic Building codes (depends on location of project or installation site)	Requires use of local seismic building codes if they require a greater margin of safety than international or national building codes.	All	P			
NIST RP-6, standards for Seismic Safety for Existing Federally Owned or Leased Buildings, (January 2002)	Provides requirements for leasing and acquisition of existing buildings.	All	P			
Occupational Safety and Health Administration Regulations (29 CFR 1910.38)	Requires a written plan for emergency situations for each workplace where there is a possibility of an emergency. Appropriate portions of the plan must be implemented in the event of an emergency.	All	P	G	C	
OMB Circular A-11, Preparation, Submission, and Execution of the Budget (Dec. 2019)	OMB Circular No. A-11 provides guidance on preparing the FY 2021 Budget and instructions on budget execution.	All	P	G		
OMB Circular A-76, Performance of Commercial Activities - (Aug.	Establishes Federal Policy regarding the performance of commercial activities. FAA's policy is to follow the guidance of this circular to the extent such standards	Investment Analysis Procurement	P	G		*

4, 1983; Revised 1999)	are consistent with the FAA's Acquisition Management System and the Administrator's authority to implement "such terms or conditions as the Administrator may deem appropriate."					
OMB Guidance "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" dated December 26, 2013 (2 CFR Part 200)	To more effectively focus Federal resources on improving performance and outcomes while ensuring the financial integrity of taxpayer dollars in partnership with non-Federal stakeholders. Supersedes OMB Circulars A-21, A-87, A-102, A-110, and A-121.	Procurement		G		*
Patent and Copyright Laws	Establishes prohibitions regarding Patent and Copyright infringement.	Procurement	P	G	C	
Protests and Contract Disputes; 14 CFR, Parts 14 & 17.	Prescribes procedures for protests and contract disputes.	All	P		C	
Standards of Conduct for Employees of the Executive Branch (5 CFR 2635)	Prohibits conflicts of interest	All	P	G	C	
Uniform Federal Accessibility Standards (UFAS) (41 CFR 101-19.6 App. A)	Prescribes handicapped accessibility regulations for Federally owned or leased building premises.	Real Property Procurement	P	G	C	

### END OF PART III

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